IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.7305 of 2002

Dated: July 5, 2006

Between:

S. Shajahan, S/o. Fakruddin Saheb, aged about
38 years, Occupation: Computer Programmer,
R/o. Punganoor town and Municipality, Chittoor District.

… Petitioner

And

Commissioner, Punganoor Municipality,
Punganoor, Chittoor District, and another.

… Respondents

Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the first respondent in not allowing the petitioner to perform his computer programme as per the resolution of the Municipality of Punganoor as illegal and arbitrary and a consequential direction is sought to the respondents to consider the petitioner as computer programmer.

2. It is the case of the petitioner that Punganoor Municipality decided to computerize its activities such as tax assessment, salary payments, issuance of birth and death certificates etc. The petitioner submitted his application for rendering his services to the municipality and the Municipality of Punganoor, by Resolution No.306, dated 29-09-2001, resolved to engage the petitioner for a period of two years on payment of Rs.4,000/- per month. The grievance of the petitioner is that though such a resolution is in force, the first respondent has asked him to discontinue his services.

3. Counter affidavit has been filed by the respondents stating that out of 20 councillors, 18 have complained about the unsatisfactory work of the petitioner; hence he was discontinued. It is stated that the council passed Resolution No.393 dated 31-01-2002 to purchase new computers; hence the services of the petitioner were not required any longer.

4. Merely because a resolution has been passed, absorbing the services of the petitioner, it will not confer any right on the petitioner to claim continuance of services. In any event, the resolution dated 29-09-2001, which is for a period of two years, has already elapsed. If the respondents are dissatisfied with the services of the petitioner, it is always open for them to disengage his services in the interest of the municipality. In that view of the matter, I do not find any illegality in the action of the respondents to grant the relief as prayed for.

5. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 5, 2006
MRR